



Capitol Broadcasting Company, Inc., 2619 Western Blvd., P.O. Box 12000, Raleigh, NC 27605

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VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: EX PARTE NOTICE – CS 98-120 and MB 03-15

Dear Ms. Dortch:

On November 26, 2003, on behalf of Capitol Broadcasting Company, Inc., Jimmy Goodmon and I held a conference call with Eloise Gore, Assistant Chief, Policy Division of the Media Bureau, to discuss Capitol's specific experience at WRAL-DT in Raleigh, North Carolina. Our discussion focused on PSIP (Program System Information and Protocol) and marketing.

WRAL-DT is broadcasting PSIP, including the EIT (Event Information Table) and ETT (Extended Text Table). ***We have found that accurate PSIP is vital to the consumer's digital experience.*** First, correct GPS (Global Positioning System) timing is critical. Our viewers do not want to miss the first seven minutes of a program they are taping or storing because our clocks are wrong. Initially, incorrect timing in our market was an issue, but it appears that most stations are now operating on GPS time.

Second, an up-to-the-minute program guide is what our viewers want and need. With PSIP, we have the opportunity to provide accurate information as our programming changes. Under the current system, we provide Tribune our programming information three weeks in advance, so our information is often inaccurate. Programming items can be changed through a series of phone calls and manual entries, but often the changes are not made due to timing, lack of access to personnel, etc. Currently, we are experimenting with a DecisionMark product, utilizing a Triveni Digital interface that allows us to make changes in real time via PSIP. The result – our over-the-air viewers can have accurate programming information almost instantly.



Third, one of the great selling points of the digital transition for consumers is the flexibility offered by our 19.4 signal – whether we are broadcasting in high-definition or multicasting. However, it is important that this flexibility is seamless to the consumer. Most importantly, it cannot confuse the consumer. For our over-the-air viewers, using PSIP, we can quickly change from one high-definition (HD) channel to multiple standard definition (SD) channels. With cable, this switch occurs manually. For example, Time-Warner Cable carries WRAL-DT's and WRAZ-DT's 19.4 digital signals, minus data and PSIP. (Data was not discussed during this conference call.) WRAL-DT is located on Time-Warner Channels 255 (HD), 256 (WRAL NewsChannel), 257, 258, and 259. If WRAL-DT switches from its normal HD and NewsChannel line-up to three SD channels, then our engineer must call Time-Warner's engineer to make a manual change. If we have been airing four SD basketball games and the games end late, then it is unlikely that a Time-Warner engineer is still on the premises, so the switchback to HD programming is often not made until the next morning. As we noted to Ms. Gore, this is often not a pristine or seamless change to our viewers.

Capitol's position on cable carriage of PSIP is that we believe the information contained in our PSIP is critical to our viewer's digital experience. Therefore, we urge the Commission to adopt regulations ensuring that our cable viewers get real-time programming and programming information that can be provided to them seamlessly through PSIP. We believe that the critical elements are the actual information and the timing of the access to that information. Certain formats and particular protocols are not critical elements. The end result of information provided to our viewers in a timely fashion is much more important than whether or not cable passes through PSIP per se or whether they take our PSIP, tear it apart and put it back together using their own formats and protocols, so long as the resulting information is the same. Capitol will provide Ms. Gore information she requested regarding hardware and software necessary to accomplish the above.

From the branding standpoint, we promote both our over-the-air digital channel number and our Time-Warner cable channel number. For example, if on our analog channel we are promoting something on the WRAL NewsChannel, we reference digital 5.2 for our over-the-air viewers (we're actually on 53, but use virtual channel mapping to preserve our well-established Channel 5 analog brand) and Time-Warner digital channel 256 for our Time-Warner cable viewers. With multiple multichannel video providers, this will become very confusing for consumers. Obviously, the consumer-friendly solution is two-part, consistent channel numbering for over-the-air and multichannel video viewers.

In response to a marketing question, Capitol has given away over-the-air antennas with proof of purchase of a digital set. We hope to get other stations in the market involved in this promotion in the future. All of our advertising cross-promotes our analog and digital stations. Capitol does not promote our multicast channels as an alternative to cable.



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If there are questions relating to this filing, please contact the undersigned.

Best regards,

/s/ Dianne Smith

Dianne Smith
Special Projects Counsel

cc. Eloise Gore, Assistant Chief, Policy Division, Media Bureau via Facsimile (202) 418-1069

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